

FILED & ENTERED

SEP 25 2019

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

ARTURO GONZALEZ,

Debtor.

Case No. 2:15-bk-25283-RK

Chapter 7

**ORDER (1) DENYING DEBTOR'S "NUNC
PRO TUNC" MOTION TO REVISE PRIOR
CASE HEADINGS IN THE DOCKETS AND
(2) STATING THAT THE OCTOBER 1, 2019
HEARING IS OFF CALENDAR**

Vacated Hearing

Date: October 1, 2019

Time: 2:30 a.m.

Courtroom: 1675

On September 11, 2019, the court received a copy of a document from Debtor Arturo Gonzalez entitled "Notice of Motion for: 'Nunc Pro Tunc' Motion to Reverse Prior Case Headings in the Dockets" ("Motion"), dated September 7, 2019, in the mail addressed to the presiding judge. The proof of service indicates that copies of the Motion were also mailed to Wesley H. Avery, the Chapter 7 Trustee, and his counsel, Brett Curlee. However, the Motion was not filed at the intake window in the office of the clerk of this court or electronically as required by Federal Rule of Bankruptcy Procedure 5005(a)(1), Local Bankruptcy Rule 5005-1, 5005-2 and 9004-1 and the Court Manual, §

1 2.5. The Motion attempts to notice a hearing for October 1, 2019 at 2:30 a.m. A copy
2 of the Motion is attached to this order.

3 Having considered the Motion, the court determines that pursuant to Local
4 Bankruptcy Rule 9013-1(j)(3), oral argument on the Motion is not necessary, dispenses
5 with it, vacates the hearing on the Motion, takes the Motion under submission and
6 orders as follows.

7 The Motion is DENIED. The Motion is procedurally defective since it was not
8 properly filed. Federal Rule of Bankruptcy Procedure 5005(a)(1) provides that motions
9 “shall be filed with the clerk in the district where the case under the [Bankruptcy] Code is
10 pending.” Rule 5005(a) also provides that the judge of that court may permit the papers
11 to be filed with the judge . . .” In this case, the motion was not filed with the clerk of this
12 court, nor has the judge permitted Debtor to file the Motion with the judge. Also, the
13 notice of motion is defective because Debtor gave notice that a hearing would be held
14 on October 1, 2019 at 2:30 a.m. in the morning, which is not a proper hearing time.
15 Debtor may have meant 2:30 p.m. in the afternoon, but that is not what he put down on
16 the notice of motion.

17 The Motion also lacks substantive merit since Debtor has not adequately shown
18 that there was any clerical mistake made by the clerk of the court in preparing and
19 maintaining the case docket that needs correction since the clerk of court apparently
20 took the information identifying Debtor what he (Debtor) stated on his bankruptcy
21 petition in identifying himself (Docket No. 1). See Federal Rules of Bankruptcy
22 Procedure 5003(a) and 9023 and Federal Rule of Civil Procedure 60(a)(1).

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2 The court states that there will no hearing on the Motion on October 1, 2019 at
3 2:30 a.m. since the hearing was defectively noticed, and therefore, the Motion is "off
4 calendar." No appearances are required on October 1, 2019, and the court will not call
5 the Motion for hearing on October 1, 2019.

6 IT IS SO ORDERED.

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25 Date: September 25, 2019



Robert Kwan
United States Bankruptcy Judge

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address ARTURO GONZALEZ 1139 SANFORD AVE. WILMINGTON, CA 90744 310-200-7010 <input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: ARTURO GONZALEZ, AKA ART GONZALEZ JR. Debtor(s).	CASE NO.: 2:15-bk-25283-RK CHAPTER: 7 NOTICE OF MOTION FOR: "NUNC PRO TUNC" MOTION TO REVISE PRIOR CASE HEADINGS IN THE DOCKETS <i>(Specify name of Motion)</i> DATE: 10/01/2019 TIME: 2:30 am COURTROOM: 1675 PLACE: 255 E. TEMPLE ST LOS ANGELES, CA 90012

1. TO (*specify name*): HONORABLE JUDGE KWAN, TRUSTEE WES AVERY, & COUNSEL BRETT CURLEE
2. NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, Movant in the above-captioned matter will move this court for an Order granting the relief sought as set forth in the Motion and accompanying supporting documents served and filed herewith. Said Motion is based upon the grounds set forth in the attached Motion and accompanying documents.
3. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. **Deadline for Opposition Papers:** This Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response with the court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than fourteen (14) days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.
5. **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure:** The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

Date: 09/07/2019

Printed name of law firm



Signature

ARTURO GONZALEZ Jr. PRO PER
Printed name of attorney

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1139 Sanford Ave., Wilmington Ca 90744

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION FOR** (*specify name of motion*)
"NUNC PRO TUNC" MOTION TO REVISE PRIOR CASE HEADINGS IN THE DOCKETS

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) 09/07/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Judge Kwan, 255 E. Temple St., Suite 1682/Courtroom 1675, Los Angeles, Ca 90012
Brett B. Curlee, 21250 Hawthorne Blvd, Suite 500, Torrance, Ca 90503
Wesley Avery, 758 E. Colorado Blvd., Suite 210, Pasadena, Ca 91101

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

09/07/2019
Date

Carlota Gonzalez
Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

1 ART GONZALEZ
2 1139 Sanford Ave.
3 Wilmington, Ca 90744
4 310.200.7010
5 Debtor, In Pro Per

6 UNITED STATES BANKRUPTCY COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 LOS ANGELES DIVISION

9 In re
10 ARTURO GONZALEZ,

11 Debtor.

Case No.: 2:15-bk-25283-RK

Chapter 7

12 1. NOTICE OF MOTION FOR
13 "NUNC PRO TUNC" MOTION TO
14 REVISE PRIOR CASE HEADINGS IN
15 THE DOCKETS

Hearing Date: October 1st, 2019

Time: 2:30 p.m.

Location: Courtroom 1675

Eward R. Roybal Federal Building

255 East Temple Street

Los Angeles, Ca 90012

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19 TO THE HON. JUDGE KWAN & TRUSTEE WES AVERY & Counsel Brett Curlee. This
20 motion is being noticed pursuant to Rule 9013-1(c)(2). LBR 9013-1(f) requires a written response to
21 be filed and served at least 14 days before the hearing.
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23 In the Court hearing held on June 25th 2019, the Honorable Judge Kwan made a statement
24 to the Debtor that the Debtor had put on the case caption "AKA" Long Beach Realty, Inc.
25 The Debtor told the Hon. Judge Kwan that the Court had put the case caption "AKA" Long
26 Beach Realty, Inc. Looking closely at the record, it was Debtor's Attorney that put the case
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NOTICE OF MOTION FOR "NUNC PRO TUNC"
MOTION TO REVISE PRIOR CASE HEADINGS IN THE DOCKETS

caption " AKA" Long Beach Realty, Inc. The Debtor is not "AKA" Long Beach Realty Corporation and from a legal standpoint cannot be "AKA" Long Beach Realty because as the Judge has ruled that Debtor has no standing to take back the commissions from Long Beach Realty Corporation, this is further proof that Art Gonzalez cannot be "AKA" Long Beach Realty Corporeation and therefore, this is an improper case heading. The Debtor request that the case caption in prior dockets be Revised. Also, since "South Bay Realty" and "Mindset" do not play any role in the case, Debtor Sincerely requests that the Case heading be revised to

In Re:

ARTURO GONZALEZ, "AKA" ARTURO GONZALEZ JR,

Sincerely,



Arturo Gonzalez Jr 9/7/2019